

**STATE OF MICHIGAN**  
**IN THE COURT OF APPEALS**

**PEOPLE OF THE STATE OF MICHIGAN**

Plaintiff-Appellee

**Court of Appeals No. 291578**

**Lower Court No. 08-22018FC**

-vs-

**KINO DOMINQUE CHRISTIAN**

Defendant-Appellant.

**GENESEE COUNTY PROSECUTOR**

Attorney for Plaintiff-Appellee

**STATE APPELLATE DEFENDER OFFICE**

Attorney for Defendant-Appellant

**MOTION FOR RECONSIDERATION**

**STATE APPELLATE DEFENDER OFFICE**

**BY: VALERIE R. NEWMAN (P47291)**

**Assistant Defender**

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**KINO DOMINQUE CHRISTIAN**

Defendant-Appellant.

**MOTION FOR RECONSIDERATION**

**NOW COMES** the Defendant-Appellant **KINO DOMINQUE CHRISTIAN**, by and through his attorneys, the **STATE APPELLATE DEFENDER OFFICE**, by **VALERIE R. NEWMAN**, and moves this Honorable Court to grant reconsideration of the Court's opinion, issued September 22, 2011 in this matter pursuant to MCR 7.215(I) and says in support thereof that:

1. Mr. Christian was convicted of first-degree murder, assault with intent to murder, carrying a concealed weapon, felon in possession of a firearm and felony firearm, on February 17, 2009 by a jury before the Honorable Joseph J. Farah in the Genesee County Circuit Court.
2. On March 31, 2009, Mr. Christian was sentenced to life, 108 to 220 months, 19 months to 5 years, 19 months to 5 years and 2 years, respectively.
3. Defendant claimed an appeal as of right, MCR 7.203(A)(1) and filed a timely Claim.
4. Mr. Christian presented various issues on appeal, each of which was denied at every stage of the proceedings.

5. In pursuing his appeal, Mr. Christian, as acknowledged in this Court's opinion at page 4, filed a timely motion for new trial in the trial court and a timely motion for reconsideration of the trial court's order denying the motion for new trial and denying an evidentiary hearing.

6. The Court's opinion, at page 4, however fails to acknowledge that Mr. Christian also filed a timely motion to remand with this Court, which this Court denied.

7. The Court's opinion, at page 4, also fails to acknowledge that Mr. Christian addressed the errors in the trial court's reasoning and the need for a remand in both the pleadings requesting a remand and the brief on appeal.

8. The Court's statement, at page 4, that "he does not challenge the trial court's denial of those decisions." is incorrect and contradicted by the pleadings and Counsel's repeated attempts to obtain a remand to expand the record on the primary issue of the closed courtroom and other ancillary issues.

9. While Counsel disagrees with the Court's overall legal analysis reconsideration of the entire opinion is not requested as Counsel recognizes that there is no legal basis for requesting full reconsideration and this limited request is in no manner a concession of the correctness of any of the legal analysis in the opinion.

10. Counsel, on behalf of Mr. Christian asks that this Court reconsider its opinion, withdraw the issued opinion and replace it with an opinion where the inaccurate statement is deleted and replaced with an accurate statement that Mr. Christian does challenge the trial court's decision as well as challenges this Court's denial of a remand.

**WHEREFORE**, Mr. Christian prays that this Honorable Court grant reconsideration of its September 22, 2011 opinion pursuant to MCR 7.215(I) and withdraw the prior opinion and re-issue an opinion that comports with the pleadings and arguments submitted to this Court.

Respectfully submitted,

**STATE APPELLATE DEFENDER OFFICE**

BY: /s/ Valerie R. Newman  
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Date: October 12, 2011

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